

REMARKS

Claims 33-41 and 43-62 are currently pending in this Application. Claim 53 is amended with this Response. Applicant respectfully thanks the Examiner for indicating the Allowable Subject Matter of claims 41, 52, and 62. The Examiner's rejections will now be addressed in turn.

Rejections under 35 U.S.C. 103(a)

Claims 33-40, 43-51, and 53-61 are rejected under 35 U.S.C. 103(a) as being over U.S. Patent No. 7,758,371 to VanDyke (VanDyke hereinafter). Applicant respectfully traverses.

"To establish a prima facie case of obviousness, it is known that three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference(s) must teach or suggest all the claim limitations. In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); In Re Wilson, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); Amgen v. Chugai Pharmaceuticals Co., 927 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1996)."

Applicant first points out that claims 33 and 53 recite *inter alia*,

"at least three wheels positioned in different parts of said base frame...each of said wheels are mounted pivotally around a vertical axle of said wheels," and claim 46 recites *inter alia*,

"at least three wheels of said handling system...each of said wheels being mounted pivotally around a vertical axle of said wheels."

VanDyke does not teach **three** wheels that are each mounted pivotally around a vertical axle of each of the wheels. On the contrary, referring to column 4, lines 5-10, VanDyke teaches the non-drive wheels 35 to be "**stationary** (rolling) wheels," which would therefore not be pivotable about their own vertical axis. Disposal of the tops of these wheels 35 in the grooves or

arms 58 (see Figures 3 and 4 in particular) supports the description of the wheels 35 as non-pivotable/stationary in that the inner walls of these grooves would mechanically prevent the wheels 35 from pivoting to any beneficial degree. Thus, since the wheels 35 of VanDyke do not pivot as claimed, VanDyke is only left with **two** pivoting drive wheels 9, as opposed to the three wheels required by the claims. Accordingly, for at least this reason, VanDyke does not teach every element of Applicant's claims 33, 46, and 53, or claims 34-40, 43-45, 47-51, and 54-61 that depend variously therefrom.

In addition, Applicant respectfully points out that claims 33, 46, and 53 respectively recite *inter alia*,

“wherein the angles of direction of said at least one wheel are pre-defined values and respectively 0 and 90 degrees in relation to a forward direction of said handling system, with a direct change of wheel position from 0 to 90 degrees,”

“said interface controls the angle of direction of each of the wheels with pre-defined values and a direct change of wheel position from 0 to 90 degrees in relation to a forward direction of said handling system by pivoting the wheels around a vertical axle of said wheels,” and

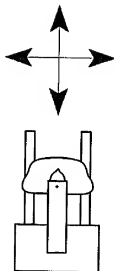
“where a direction of at least one wheel is controlled by a controller with a direct change of wheel position between pre-defined values from 0 to 90 degrees in relation to a forward direction of said handling system.”

At pages 3 and 5 of the Office Action, the Examiner asserts that though the angular settings for the predefined values of direction are *different* in Applicant's claims (0 to 90 degrees) than that which is taught in VanDyke, the predefined values of 0 to 90 degrees recited in Applicant's claims would be obvious because these values are within the range of motion taught in VanDyke. Applicant respectfully rebuts this assertion by showing criticality with respect to use of predefined values from 0 to 90 degrees.

Referring to MPEP 2144.05 III, "Applicants can rebut a *prima facie* case of obviousness based on overlapping ranges by showing the **criticality of the claimed range**. "The law is replete with cases in which the difference between the claimed invention and the prior art is some range or other variable within the claims. . . . In such a situation, the applicant must show that the particular range is critical, **generally by showing that the claimed range achieves unexpected results relative to the prior art range.**" *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990)."

Unexpected results achieved by the claimed range relative to the prior art are respectfully discussed hereinbelow.

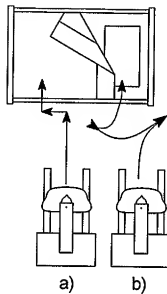
A handling system restricted to perform movements according to Applicant's claimed pre-defined ranges will only perform one of four movements in relation to a relatively forward direction. For example the lift will move as shown below:



An exemplary place of use for Applicant's handling system (and presumably that of VanDyke) is a setting in which a disabled person requires lifting assistance for moving from place to place (i.e. from a chair in one room to a bed of another), wherein an assisting person

usually controls system operation. As is the case in most of such settings, the rooms may include various obstacles such as furniture, carpets, narrow door openings, and walls, which can restrict movement of the handling system lift.

Below, please find a simplified example illustration of possible movement patterns of an exemplary system a) that moves as recited in Applicant's claims, and a system that moves as described in VanDyke b).



A frame structure of a typical lift ensures a general stability in all directions, but a high suspension of the disabled person in the lifting part of the frame can be a challenge to this stability. The stability challenge is especially present if the disabled person also suffers from overweight and/or starts to move out of control e.g. in a panic response to the unexpected movements.

The functionality of the VanDyke lift will escalate this stability challenge by:

- being capable of performing various different 'curved movements' (as illustrated with b) of the drawing) and thus potentially testing the lift frame stability in numerous directions,

- introducing oscillations in the suspended person corresponding to the numerous

directions, further testing of the lift frame stability, and

- potentially increasing the oscillations in the suspended person by trying to compensate the introduced "complicated" oscillations by performing further "curved movements" and hereby accomplishing a panic response.

Exemplary functionality of that which is protected by Applicant's claims will reduce the above discussed stability challenge by:

- only performing four different "straight" movements - in forward, reverse and perpendicular directions (as illustrated with a) of the drawing), and thus only testing the lift frame and stability in four directions

- introducing only oscillation in the suspended person in one of the two directions (i.e. testing the lift frame stability in the normal transfer directions of the lift - forward or sideways transfer of the person from the lift to for example a bed - corresponding to the two most stable directions), and

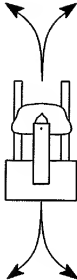
- easily decreasing any oscillations in the suspended person by compensating "simple" oscillations in forward/reverse or sideways directions, thus avoiding any panic response.

Consequently, with the directional restrictions of the present invention is achieved a surprising (and beneficial) result in relation to the more flexible directional solutions such as the VanDyke lift (allowing a + / - 90 degrees control of the motor operated rear wheels.)

In addition, MPEP 2144.05 III also states that "A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997)"

The manner in which VanDyke teaches away from that which is recited in Applicant's claims will be respectfully discussed hereinbelow.

Referring to the below illustration, Applicant respectfully asserts that the stationary front rolling wheels (as discussed above) restrict the Vandyke lift to performance of curved movements in close relation to a forward direction.



Considering this restriction to such curved movements by the front wheels, Applicant respectfully points out that any attempt to perform a “sideways” movement of the Vandyke lift (i.e. movement according to the predefined values/ranges of Applicant’s claims) would clearly result in a tripping or toppling of the lift over the front wheels. Accordingly, since such a tripping would be unacceptable to the VanDyke system (or any lift system), Vandyke teaches away from that which is recited in Applicant’s claims. Further, a lift that tripped in this manner would clearly be inoperable for its intended purpose of safely transporting a patient, and thus, any modification restricting the VanDyke system to the predefined ranges/values recited in Applicant’s claims would be improper under MPEP 2143.01 V.

For at least the above reasons, Applicant respectfully submits that none of claims 33-40, 43-51, and 53-61 are obvious over Vandyke.

Conclusion

All of the rejections are herein overcome. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Moreover, the amendments as presented do not alter the scope of the claimed invention and therefore cannot necessitate a new grounds rejection. Issuance of Notice of Allowance is respectfully requested.

Applicant hereby petitions for any necessary extension of time required for consideration of this Response.

Please charge any fees due with respect to this Response, or otherwise regarding the application, to Deposit Account 06-1130 maintained by Applicant's attorneys.

Please contact the undersigned for any reason. Applicant seeks to cooperate with the Examiner, including via telephone, if convenient for the Examiner.

Respectfully submitted,

CANTOR COLBURN LLP

By: /Daniel R. Gibson/
Daniel R. Gibson
Registration No. 56,539
20 Church Street
22nd Floor
Hartford, CT 06103
Telephone: 860-286-2929
Facsimile: 860-286-0115
Customer No. 23413

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